

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Consumers Energy Company) Docket No. EC06-155-000
Entergy Nuclear Palisades, LLC)

**NOTICE OF INTERVENTION
OF THE MICHIGAN PUBLIC SERVICE COMMISSION**

Pursuant to Rule 214(a)(2) of the Federal Energy Regulatory Commission’s (“FERC”) Rules of Practice and Procedure, 18 C.F.R. § 385.214(a)(2) (2006), the Michigan Public Service Commission (“MPSC”) hereby submits its Notice of Intervention in the captioned proceeding.

I. COMMUNICATIONS

Copies of all pleadings and correspondence in the proceeding should be addressed to:

Michael A. Cox Attorney General	David D’Alessandro Kelly A. Daly M. Denyse Zosa
David A. Voges (P25143) Steven D. Hughey (P32203) Dept. of Attorney General Public Service Division 6545 Mercantile Way, Suite 15 Lansing, MI 48911 (517) 241-6680 vogesd@michigan.gov hugheys@michigan.gov	Stinson Morrison Hecker LLP Special Assistant Attorneys General 1150 18 th Street, N.W. Suite 800 Washington, DC 20036-3816 (202) 785-9100 (phone) (202) 785-9163 (fax) ddalessandro@stinsonmoheck.com kdaly@stinsonmoheck.com dzosa@stinsonmoheck.com

II. BASIS FOR INTERVENTION

The MPSC is an agency of the State of Michigan, created by 1939 Pub. Acts 3, Mich. Comp. Laws Ann. § 460.1 *et seq.* As the Michigan regulatory agency having jurisdiction and authority to control and regulate rates, charges, and conditions of service for the retail sale of electricity in the State, the MPSC is a “state commission” as defined in 16 U.S.C. § 796(15) and

18 C.F.R. § 1.101(k) (2006). Accordingly, the MPSC hereby provides its notice of intervention pursuant to 18 C.F.R. § 385.214(a)(2) (2006).

III. DESCRIPTION OF FILING

On August 25, 2006, pursuant to Section 203 of the Federal Power Act, Consumers Energy Company (“Consumers”) and Entergy Services, Inc., on behalf of Entergy Nuclear Palisades LLC (“Entergy Palisades”) (collectively, “Applicants”), jointly requested FERC approval for Consumers to sell, and Entergy Palisades to acquire, the Palisades Nuclear Power Plant (the “Palisades Facility”) and associated jurisdictional facilities and equipment (the “Proposed Transaction”). The Applicants state that the Proposed Transaction is an asset sale only. Moreover, Applicants assert that the Proposed Transaction is consistent with the public interest because it will not have any adverse effect on competition, rates or regulation, nor will it cause cross-subsidization of a non-utility associate company or any pledge or encumbrance of utility assets for the benefit of an associate company. Applicants explain that as part of the Proposed Transaction, the Applicants have entered into a long-term Power Purchase Agreement (“PPA”) under which Entergy Palisades will sell the capacity and energy output of the Palisades Facility to Consumers for 15 years from the date the Proposed Transaction is consummated.¹ Entergy Palisades also states that it intends to assign the PPA to its affiliate, Entergy Nuclear Power Marketing, LLC (“ENPM”), but will provide ENPM with the capacity and energy from

¹ In a contemporaneous filing, Entergy Palisades is requesting FERC approval to make wholesale sales of electric capacity, energy and ancillary services at market-based rates in the Midwest Independent Transmission System Operator, Inc. market region. *See* Entergy Nuclear Palisades, LLC and Entergy Nuclear Power Marketing, LLC, Docket Nos. ER06-1410-000 and ER06-1411-000.

the Palisades Facility committed to Consumers under the PPA and that ENPM will also provide scheduling, coordination, and other marketing-related services to Consumers.²

IV. CONCLUSION

WHEREFORE, the Michigan Public Service Commission hereby provides notice of its intervention.

Respectfully submitted,

**THE MICHIGAN PUBLIC SERVICE
COMMISSION**

MICHAEL A. COX
Attorney General

David A. Voges (P25143)
Steven D. Hughey (P32203)
Assistant Attorneys General
Public Service Division
6545 Mercantile Way, Suite 15
Lansing, MI 48911
Telephone: (517) 241-6680
Fax: (517) 241-6678

/s/ M. Denyse Zosa

David D' Alessandro
Kelly A. Daly
M. Denyse Zosa
Special Assistant Attorneys General
Stinson Morrison Hecker LLP
1150 18th Street, N.W., Suite 800
Washington, DC 20036-3816
Telephone: (202) 785-9100
Fax: (202) 785-9163

² In a filing that is being made contemporaneously with this application, ENPM is requesting FERC approval of a proposed tariff change that when accepted will allow it to make sales to Consumers. *See* Entergy Nuclear Palisades, LLC and Entergy Nuclear Power Marketing, LLC, Docket Nos. ER06-1410-000 and ER06-1411-000.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served copy of the foregoing document upon all parties listed on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, D.C. this 15th day of September, 2006.

M. Denyse Zosa

M. Denyse Zosa